

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Radisson Hotel Newport Beach, 4545 MacArthur Blvd., Newport Beach, CA 92660, at 10:00 A.M., on Friday, May 7, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Monday, April 26, 2004 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018 of the Business and Professions Code, and Section 11400.20 of the Government Code, and to implement, interpret or make specific Sections 2227, 2228, 2229, and 2234 of the Business and Professions Code, and Sections 11400.20 and 11425.50(e) of the Government Code, the board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt section 1358.1

Existing regulation, i.e., Condition 17 of the board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" (9th Edition, 2003), provides for an ethics course, but does not address minimum requirements for the provider or course content.

The proposed regulation would specify all the criteria for an ethics course to include: duration; faculty; educational objective; method of instruction; content (background assessment, baseline assessment, participant's expectations, didactic presentation, experiential exercises, and a longitudinal follow-up); class size; evaluation; records; program completion; and change in course content or instructor.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: This regulation will not have a significant adverse economic impact on businesses since we are aware of only one business (a non-profit) which offers this type of course. Any additional costs would be passed on through increased tuition costs. Those increased tuition costs would only be applicable to physicians and surgeons who are disciplined by the board, placed on probation, and ordered to take an ethics course as a condition of probation. (There are various colleges and universities across the United States which also offer ethics seminars and courses; however, changes to our regulations will not impact those providers.)

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would not affect small businesses because the regulation is applicable only to physicians and surgeons who are disciplined by the board, placed on probation, and ordered to take an ethics course as a condition of probation.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained prior to, at or after the hearing upon request from the Contact Person Or by accessing the website listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Ana Facio
Address: Medical Board of California
1430 Howe Avenue, Suite 84
Sacramento, CA 95825
Telephone No.: (916) 263-2532
Fax No.: (916) 263-2530
E-Mail Address: afacio@medbd.ca.gov

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kevin A. Schunke
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2368
Fax No.: (916) 263-2387
E-Mail Address: kschunke@medbd.ca.gov

The backup contact person is:

Name: Linda Whitney
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2389
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E-Mail Address: lwhitney@medbd.ca.gov

Website Access: Materials regarding this proposal can be found at www.medbd.ca.gov.